IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CIVIL APPLICATION NO.4868 OF 1999
IN
WRIT PETITION NO.50 OF 1999

Shri Santosh Kantilal Mutha .. Applicant

v/s.

The State of Maharashtra .. Respondent

IN CHAMBER

Ms.Anjali Helekar for the applicant.

CORAM : R. M. LODHA, J.

DATED : 21st April 2005

P.C.

Heard Ms.Anjali Helekar, the learned counsel for the applicant. I also considered the judgment of the Supreme Court in the case of Mohamad Kavi Mohamad Amin v. Fatmabai Ibrahim, (1997) 6 SCC 71, referred to by the learned counsel for the applicant.

2. In my order dated 2.2.1999 as regards delay in initiation of proceedings under section 84-C of the Tenancy and Agricultural Lands Act, 1976 by the Tenancy Aval Karkoon, Junnar, I observed thus-

> "The ld. counsel for the petitioner contended that the proceedings could not have been initiated under section 84-c of the Tenancy Act by the Tenancy Aval Karkoon Junnar after a lapse of about 6 years.
>
> I do not find any factual foundation of this plea before the Aval Karkoon.

> There is no material placed on record to demonstrate as to on what date the Tenancy Aval Karkoon decided to proceed under section 84-C. There is also no material to show for the first time when the notice was issued to the Petitioner. I am, thus, not persuaded by this contention."

3. In view of what has been observed by me in the order dated 2.2.1999, the judgment of the Supreme Court in the case of Mohamad Kavi Mohamad Amin does not help the applicant.

4. No case for review is made out. Review application is, accordingly, rejected.

(R.M. LODHA,J.)